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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Twelfth periodic reports of States parties due in 1992

Addendum

EGYPT*

[10 August 1993]

## Introduction

1. Egypt agreed to accede to the International Convention on the Elimination of All Forms of Racial Discrimination under the terms of Presidential Decree No. 369 of 1967 and expressed reservations only in regard to article 22, which stipulates that any dispute between two or more States parties with respect to the interpretation or application of the Convention shall, at the request of

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* The present document contains the eleventh and twelfth periodic reports which were due on 4 January 1990 and 1992 respectively. For the ninth and tenth periodic reports of Egypt, and the summary records of the meetings at which the Committee considered those reports, see the following documents:

Ninth periodic report - CERD/C/149/Add.22 (CERD/C/SR.837)

Tenth periodic report - CERD/C/172/Add.12 (CERD/C/SR.837)

The information submitted by Egypt in accordance with the consolidated guidelines concerning the initial part of reports of States parties is contained in the core document HRI/CORE/1/Add.19.

any of the parties to the dispute, be referred to the International Court of Justice for decision, i.e. the States parties to the dispute must agree to refer each individual case to the International Court of Justice. The Convention was published on 11 November 1972 in issue No. 4 of the country's Official Gazette (in Arabic) and thereby became applicable, in the same way as any of the country's other legislation, in accordance with the relevant provisions of the Constitution.

2. In keeping with its commitment to the provisions of the above-mentioned Convention, Egypt has the honour to submit to the Committee established under the provisions of the Convention the present report on the legislative, judicial and administrative measures that it has taken to give effect to the provisions of the Convention.

## I. THE EGYPTIAN CONSTITUTION IN THE LIGHT OF THE PROVISIONS OF THE CONVENTION

3. Egypt acceded to the International Convention on the Elimination of All Forms of Racial Discrimination after its accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights but before the promulgation of the Permanent Egyptian Constitution in 1971. In view of Egypt's position on those Covenants and other international conventions and declarations concerning human rights at that time, the drafters of the Egyptian Constitution were obliged to take into account all the principles, provisions and obligations arising from the relevant international conventions to which Egypt had acceded. This was reflected in the desire of the drafters of the Constitution to incorporate all those principles, provisions and commitments in the text of the Egyptian Constitution, since their inclusion therein provides numerous safeguards and meets the following important legal requirements:

(a) They constitute the principal source which the Egyptian legislature must respect when promulgating any legislation in the country, in so far as the Constitution represents the basic law and, from the legislative standpoint, ranks higher than other legal texts;

(b) The promulgation of any conflicting legislation would be stigmatized as unconstitutional and would therefore be revoked by decision of the Higher Constitutional Court;

(c) Since these principles define the fundamental freedoms and rights of individuals, they fall within the realm of public order (ordre public), which cannot be infringed or violated by any of the State authorities in the exercise of their respective functions, nor can they be renounced by individuals or infringed with their consent, even if such is in their personal interest. Such consent to their infringement would be regarded as null and void;

(d) In so far as human rights and freedoms fall within the realm of public order (ordre public) in the country, their infringement or violation entails criminal, civil, disciplinary or political liability and the injured party is guaranteed equitable compensation.

4. Within the framework of these concepts and rules and Egypt's view of those principles and rights, the document containing the Constitutional Proclamation states that the Constitution has been promulgated in the light of the following considerations:

> "Undertaking unreservedly and unconditionally to exert every effort to achieve peace, based on justice, for our world,
>
> Believing that the political and social progress of all peoples can be attained only through the freedom and independent will of those peoples, and that no civilization is worthy of its name unless it is free from all forms and types of exploitation,
>
> Convinced that the national and international experiences of our nation are conducive to integration and even overall unity between the universal human struggle for the political, economic, cultural and intellectual liberation of mankind and the battle against all the forces and remnants of backwardness, domination and exploitation,
>
> Realizing that man's humanity and dignity are the guiding principles which have directed the course of the tremendous progress that mankind has made towards its highest ideal,
>
> and that the dignity of the individual is a natural reflection of the dignity of the nation,
>
> and that the rule of law constitutes not only an indispensable guarantee of the freedom of the individual, but also the sole basis of the legitimacy of authority."

5. In this way, the Egyptian Constitution clearly defines its goals, which are in step with the course of history and keep pace with all the changes and new developments at the international level in the field of human rights and freedoms, to which it attaches due importance. At the same time, it clearly specifies Egypt's view and the guidelines governing its policies at the international level, vis-à-vis the international community as a whole and also in its bilateral relations with other States, in regard to the contemporary international issues referred to in the Constitutional Proclamation, to which the Government and people of Egypt are committed regardless of time or place.

6. These guidelines can be summarized as follows:

(a) Egypt's commitment to exert every effort to achieve peace based on justice;

(b) Egypt's rejection of all forms and systems of exploitation;

(c) Egypt's opposition to all the forces and remnants of backwardness, domination and exploitation with a view to liberating mankind and affirming the humanity and dignity of every individual;

(d) Egypt's commitment to legitimacy and the rule of law as a basic policy for the achievement of its aspirations and objectives.

7. The application of these principles and guidelines, which constitute and enshrine Egypt's consistent position in regard to the contemporary issues facing mankind as a whole, clearly illustrates the extent of Egypt's commitment to all the undertakings required of States parties under articles 2 and 3 of the Convention, to which detailed reference will be made in section III of this report.

8. Since the Egyptian Constitution is committed to this policy and this course of action, as clearly stated in the document in which it was proclaimed, its provisions express and reiterate all the principles which the international community has adopted in the field of human rights and incorporated in numerous declarations, covenants and conventions including, of course, the International Convention on the Elimination of All Forms of Racial Discrimination. The aim of the latter Convention is, in particular, to eliminate any distinction, exclusion, restriction or preference based on race, colour, descent or origin which has the purpose or effect of nullifying or impairing recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in any sphere of life. These rights and freedoms are referred to in articles 5 and 6 of the above-mentioned Convention.

9. All the rights and freedoms enshrined in the Egyptian Constitution, including those referred to in those two articles of the Convention, are detailed below in the classification and sequence in which they appear in the Constitution:

I. Human rights principles embodied in chapters I and II of the Constitution

1. Non-exploitation, equitable distribution of public duties and responsibilities and protection of legitimate earnings (art. 4).

2. Political freedom and a multi-party political system (art. 5).

3. Social solidarity and equality of opportunity for all citizens (arts. 7 and 8).

4. Protection of the family, particularly mothers and children, with due regard for the welfare of the rising generation and youth (arts. 9 and 10).

5. Equality between men and women in political, social and economic life and a guarantee by the State of reconciliation between women's obligations to their families and their work in society (art. 11).

6. The right to work, recognition of merit and prohibition of the imposition of any forced labour on citizens, unless such is required by law for the performance of a public service in return for fair remuneration (art. 13).

7. The right of access to public office and the inadmissibility of dismissal except as a disciplinary measure or in the circumstances in which such is permitted by law (art. 14).

8. The right to cultural, social and health services, social insurance, disability and unemployment benefits and a retirement pension for all citizens in the manner prescribed by law (arts. 16 and 17).

9. The right to free education at all stages in State-run educational institutions, such education being compulsory at the primary stage and bearing in mind the State's obligation to endeavour to make it compulsory at other stages (arts. 18 and 20).

10. Equitable distribution of national income, a guaranteed minimum wage, elimination of unemployment, and workers' participation in management and profits (arts. 23, 24, 25, 26 and 27).

11. The right to establish cooperative associations, the State having an obligation to protect, encourage and support them and to ensure their autonomous management (art. 28).

12. Protection of private property, which cannot be sequestered except under the terms of a court order, nor can it be expropriated except in the public interest; it can be nationalized only for considerations of the public interest and the public good, subject to fair compensation in accordance with the law. The right of inheritance in regard to such property is guaranteed and cannot be forfeited except under the terms of a court order (arts. 34, 35 and 36).

## II. Human rights principles embodied in chapter III of the Constitution

This chapter of the Constitution, which is devoted to public freedoms, rights and duties, reflects many of the principles embodied in international human rights instruments, including the Convention forming the subject of this report. These principles include:

1. Equality and the prohibition of discrimination on grounds of sex, origin, language, religion or belief, since citizens are equal before the law in regard to their public rights and obligations (art. 40).

2. The principle that anyone whose liberty is restricted by law must be treated in a manner conducive to the preservation of his human dignity. Such persons must not be subjected to physical or mental harm and must not be detained at locations that are not subject to the legislation governing prisons (art. 42).

3. The invalidity of evidence obtained through coercion or threats.

4. The integrity of the human person and the inadmissibility of conducting any medical or scientific experiment on any person without his freely given consent (art. 43).

5. The principle that no citizen can be expelled from the country or prevented from returning thereto (art. 51).

6. Personal freedom, non-interference with a person's private life, home and means of communication, freedom of movement, migration, belief,

opinion, expression and criticism, the right to vote and stand as a candidate in elections, freedom of the press and of scientific research and literary and social originality, the right to form associations and trade unions, and the right of political asylum. (These freedoms and rights are provided for in articles 41, 44, 45, 46, 47, 48, 49, 50, 52, 54 and 56).

7. The right to form associations, with the exception of associations the activities of which are opposed to the social system or of a clandestine or military nature (art. 55).

8. The inapplicability of statutes of limitation to criminal or civil proceedings in respect of violations of the public rights and freedoms guaranteed by the Constitution and the law, the State having a responsibility to guarantee compensation for such violations (art. 57).

9. The granting of political asylum to any foreigner who is obliged to request it due to his defence of the interests of peoples, human rights, human integrity or justice. Such persons cannot be extradited (art. 53).

10. The right to take part in public life, to vote and stand as a candidate in elections, to express opinions in legally conducted referendums and to address the public authorities in one's own name or under one's own signature (arts. 62 and 63).

## III. Human rights principles embodied in chapter IV of the Constitution

Chapter IV of the Egyptian Constitution, entitled "The rule of law", makes provision for a number of important principles concerning human rights and freedoms, including those recognized in the Convention forming the subject of this report. These principles are as follows:

1. The principle of the independence and immunity of the judiciary in order to protect rights and freedoms, including the right of litigation, legal redress and appeal; and the principle that no act or administrative decision can be declared immune to judicial control (arts. 65 and 68).

2. The principles that penalties must be personal, that there is no crime or punishment except as defined by law and that no penalty can be validly imposed before the entry into force of the legislation pertaining thereto; and the inadmissibility of criminal prosecution except by order of a judicial authority (arts. 66 and 70).

3. The principle of the right of defence, in person or by proxy. In the case of persons who lack the requisite financial resources therefor, the law provides means of legal redress to enable them to defend their rights (arts. 67 and 70).

4. The principle that anyone who is arrested must be informed immediately of the reasons for his arrest, that he has the right to contact any person whose assistance he wishes to solicit, and that he has the right to lodge a complaint with the judiciary, within a specified period of time, against any measure restricting his liberty (art. 71).

5. The principle that it is a criminal offence for civil servants to refuse to implement, or to impede the implementation of, court judgements (art. 72).

10. The above review of the provisions of the Egyptian Constitution clearly shows that all the principles of human rights and freedoms embodied in articles 5 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination are explicitly provided for in the Constitution. Moreover, the Constitution does not merely reiterate the wording of these principles; it also surrounds these rights and freedoms with a strong bulwark in order to ensure that they are respected, put into actual application and protected from violation or infringement by any laws or regulations that might be promulgated. This has been achieved through the establishment of the Supreme Constitutional Court, which is an independent judicial body (art. 174 of the Constitution) and is vested with exclusive jurisdiction in regard to the constitutional control of laws and regulations and the interpretation of legislative texts (art. 175 of the Constitution). The Constitution also stipulates that its members cannot be removed from office (art. 177) and that its decisions concerning constitutional proceedings and the interpretation of legislative texts must be published in the Official Gazette so that they will be known to all (art. 178). The Court's rulings in matters of constitutionality and its decisions in regard to interpretation are binding on all, including the State authorities (art. 49 (1) of the Supreme Constitutional Court Act No. 48 of 1979).

11. Since the entry into force of the Egyptian Constitution of 1971, as amended in 1980, many juristic opinions and interpretations have been published concerning the practical application of its provisions. It was only natural that this process should culminate in the establishment of the Supreme Constitutional Court which, as the competent body in this field, has handed down numerous judgements confirming and consolidating the noble concepts and lofty values embodied in the constitutional provisions concerning principles of human rights and freedoms. Legislative texts that contradict, violate or prejudice those rights have been declared unconstitutional by that Court. Some of the principles on which the Supreme Constitutional Court has issued rulings are listed in the following paragraphs.

12. The inadmissibility of sequestration without a court order. The legislative provisions permitting the administrative sequestration of property have been declared unconstitutional on the ground that they violate article 36 of the Constitution, which prohibits the sequestration of private property except under the terms of a court order.

13. The principle that penalties must be personal and that there is no crime or punishment except as defined by law. The legislative provisions permitting police surveillance without a court order have been declared unconstitutional on the ground that they violate article 66 of the Constitution, which stipulates that there is no crime or punishment except as defined by law and that penalties can be inflicted only on the basis of a court judgement. The legislative provisions under which the element of notoriety could be taken into account as evidence of the commission of some offences or acts, in view of the probability of the commission of a further offence by a person who had already been convicted of similar offences, have been declared

unconstitutional on the ground that they violate article 66 of the Constitution by negating the principle of material evidence and criminal conduct on which the imposition of penalties must be based and thereby give cause for suspicion that more than one penalty might be imposed for a single act.

14. Protection of private property. The legislative provisions permitting the devolution to the State of property owned by natural persons and which has been sequestered in accordance with the Emergency Act have been declared unconstitutional on the ground that they violate article 34 of the Constitution under which private property is protected. The legislative provisions limiting the amount of compensation payable to persons in respect of their property have been declared unconstitutional on the ground that they violate article 36 of the Constitution, which prohibits the public sequestration of property.

15. Political freedom and the right to form and join political parties. The legislative provisions depriving certain categories of citizens of their right to vote or stand as candidates in elections have been declared unconstitutional on the ground that they violate article 62 of the Constitution, which stipulates that citizens have a right and a national duty to vote, stand as candidates and express their opinions in referendums. The legislative provisions defining circumstances in which a specific category of persons may be deprived of their right to form political parties to express their opinions have been declared unconstitutional on the ground that they violate articles 5 and 47 of the Constitution.

16. The right of litigation, legal redress and appeal. The legislative provisions under which an act or administrative decision may be immune to appeal or legal redress have been declared unconstitutional on the ground that they violate article 68 of the Constitution, which stipulates that no act or administrative decision can be declared legally immune to appeal. The Supreme Constitutional Court has also ruled that, in accordance with article 68 of the Constitution, the State has an obligation to grant every individual, whether national or foreign, easy access to its courts in order to protect the rights recognized in its legislation, showing due regard for the fundamental safeguards required for the effective administration of justice at all levels.

17. Equality of opportunity. The legislative provisions under which certain categories of persons may be accorded special treatment in regard to enrolment in higher education, thereby enjoying priority over others who, in the light of objective criteria, have a greater entitlement to such enrolment, have been declared unconstitutional on the ground that they violate articles 28 (1) and 40 of the Constitution and infringe the principle of equality of opportunity. The legislative provisions permitting discrimination among owners of real estate, by granting privileges to those who have special lease arrangements with their tenants, have been declared unconstitutional on the ground that they violate article 40 of the Constitution.

18. The right to form trade unions and associations on a democratic basis. The legislative provisions stipulating that the term of office of an elected member can be terminated, before its expiration, by a body other than the electorate consisting in the general assembly of the trade union have been declared unconstitutional on the ground that they violate article 56 of the Constitution, under which trade unions and associations must be formed on a democratic basis.

19. The principle of the non-retroactivity of legislation. The legislative provisions under which persons convicted of offences preceding the date of entry into force of those provisions can be barred from membership of political parties or from engagement in political activity have been declared unconstitutional on the ground that they violate articles 66 and 187 of the Constitution.

20. In so far as the above-mentioned judgements handed down by the Supreme Constitutional Court are binding on all, including the State authorities, in accordance with the provisions of Act No. 48 of 1979, article 49 of that Act stipulates that they must be published free of charge in the Official Gazette within 15 days from the date on which they are handed down.

21. With regard to the legal effect of a judgement declaring the text of an enactment or regulation unconstitutional, the third paragraph of the same article prohibits application of the unconstitutional text with effect from the day following the publication of the judgement. Furthermore, with regard to the legal effect of a judgement under which a criminal provision is declared unconstitutional, the fourth paragraph of that article stipulates that all convictions based on that unconstitutional provision must be regarded as null and void.

22. It is clearly evident, therefore, that the human rights and freedoms contained in the international instruments that have been adopted in this regard, including the obligations and undertakings arising from the application of the provisions of the Convention forming the subject of this report, are explicitly provided for in the Egyptian Constitution, as can be seen from the above. The Supreme Constitutional Court, which is responsible for monitoring the constitutionality of laws and regulations and interpreting legislative texts, protects and safeguards those rights and freedoms from any legislative violation thereof.

23. By virtue of this integrated constitutional structure, the explicit legislation in force and the effective protection provided by the judiciary, the cause of human rights and freedoms in Egypt is progressing steadily and enjoying respect, protection and continuity, as well as the means for wider dissemination and development, in the manner advocated and agreed upon in the international declarations and conventions concerning human rights.

## II. EGYPTIAN LEGISLATION IN THE LIGHT OF THE PROVISIONS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

24. Article 4 of the Convention stipulates that States parties must adopt immediate and positive measures to eradicate all incitement to, or acts of, racial discrimination and, to this end:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

25. In the light of the above, this section will examine the position of Egyptian legislation and the extent to which it is consistent with the provisions of the Convention forming the subject of this report. Needless to say, this legislation is obviously compatible with the provisions of the Convention in view of the Egyptian legislature's commitment to the provisions of the Constitution which, as already indicated in section I, are fully consistent with the provisions of the Convention.

26. In this connection, it should be noted that, in accordance with article 2 of the Constitution, the Egyptian legislature must adopt the Islamic Shari'a as its primary source. In fact, the noble Islamic Shari'a embodies values, principles and provisions which form a full and integrated system that safeguards human rights and freedoms in all political, social and economic fields without any distinction or discrimination on any grounds whatsoever and regardless of religious beliefs. These are the rights and freedoms recognized in God's Holy Book (the Qur'an) and in the Traditions of His Prophet, which have been applied since the dawn of Islam 14 centuries ago, before mankind had developed an ideological system for the regulation of these rights and freedoms in the manner to which it is now aspiring.

27. In the light of the provisions of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, this section will examine the general rules governing the policy pursued by the Egyptian legislature when promulgating any laws or regulations and will then review the provisions of Egyptian legislation which govern or relate to this field.

28. The general rule in regard to the application of the Convention is that the Egyptian legislature has a legal obligation to abide by the provisions of the Constitution which, as already indicated, are consistent with the provisions of the Convention in so far as article 40 of the Constitution

recognizes the principle of equality by stipulating that all citizens are equal before the law in regard to their public rights and obligations, without distinction as to sex, origin, language, religion or belief. Accordingly, from the standpoint of the application of the Convention, Egyptian legislation in general is based on the following two premises:

(a) All Egyptian legislation, without exception, including that promulgated under the present or previous Constitutions, is free from any legal provision commending, encouraging or advocating racial discrimination, distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin or any other consideration. This applies in all fields and at all levels, including the legislation governing the public rights and freedoms recognized in the Constitution and the legislation under which they are accorded legal protection;

(b) The Egyptian legislature has not promulgated any special legislation to be applied exclusively to a particular category of citizens or other persons on the basis of race, colour, descent or national or ethnic origin.

29. This confirms that all public rights and freedoms, including the social, economic, political and civil rights and freedoms referred to in article 5 of the Convention, are guaranteed to all without any discrimination or distinction on any of the grounds referred to in the Convention.

30. The acts referred to in article 4, paragraphs (a) and (b), of the Convention are designated as criminal offences in the Egyptian Penal Code, as will be indicated in detail below.

31. Egyptian legislative enactments concerning the application of the provisions of the Convention are the Penal Code, the Political Parties Act, the Private Associations and Institutions Act, the Council of State Act and the Civil Code.

The Egyptian Penal Code (Act No. 58 of 1937)

32. The full legal protection which the Egyptian Penal Code accords to all the public rights and freedoms recognized in the Constitution obviously covers the right to equality before the law. Under the provisions of articles 86 bis, 86 bis (a), 86 (b) and 88 bis (d) of the Amending Act No. 97 of 18 July 1992, the Penal Code prohibits the establishment of any organizations seeking to advocate the violation of those rights and freedoms. Membership or promotion of such organizations, as well as the acquisition or possession of any printed, handwritten or recorded material promoting them, are designated as criminal offences in the manner detailed below:

(a) It is a criminal offence to establish, found, organize or administer any association, body, organization, group or gang which in any way advocates violation of the personal liberty of citizens or their public rights and freedoms guaranteed by the Constitution and the law or seeks to prejudice national unity and social harmony. Such acts are legally punishable by imprisonment and the penalty for heading such groupings is a term of imprisonment with hard labour (art. 86 bis);

(b) It is a criminal offence, punishable by up to five years' imprisonment, for any person to join or participate in such a grouping if he is aware of its objectives (art. 86 bis);

(c) It is a criminal offence, punishable by up to five years' imprisonment, to promote such groupings and their objectives by word of mouth, in writing or in any other manner or to acquire or possess handwritten, printed or recorded material promoting or advocating their objectives or the equipment used to prepare them (art. 86 bis);

(d) The penalty for the above-mentioned offences is increased if terrorism, as defined in article 86 of the Code, is one of the methods used to commit them (art. 86 bis (a));

(e) It is a criminal offence, punishable by life imprisonment with hard labour, for a member of any of the groupings referred to in article 86 bis to use terrorism to force any person to join such groupings or to prevent any person from withdrawing therefrom (art. 86 bis (b));

(f) In addition to the above-mentioned penalties, the Code also permits prohibition of residence or compulsory residence in a particular locality for a period of up to five years (art. 88 bis (d)).

33. In this connection, it is noteworthy that under the terms of articles 15 and 259 of the Code of Criminal Procedure, neither criminal nor civil proceedings in respect of the offences referred to in the above paragraphs are subject to any statute of limitations. This reflects the legislature's commitment to the principle embodied in article 57 of the Constitution, which stipulates that neither criminal nor civil proceedings arising from violation of the public rights and freedoms guaranteed by law are statute-barred.

34. From the above, it is evident that the Egyptian Penal Code designates as punishable offences the acts which are required to be so designated under the terms of article 4, paragraphs (a) and (b), of the Convention forming the subject of this report. In its treatment of such offences, the Code adheres to the principles set forth in the Constitution by regarding such offences as violations of public rights and freedoms in respect of which neither criminal nor civil proceedings are statute-barred.

The Political Parties Act No. 40 of 1977

35. Article 1 of the Act stipulates that Egyptians have the right to form political parties and every Egyptian has the right to belong to any political party. Article 4 of the Act prohibits the establishment of any political party whose principles, programmes, activities, leadership or membership are based on considerations of social class, religious confession, faction or geographical area or on discrimination on grounds of sex, origin, religion or belief. Article 22 of the Act designates as a criminal offence, punishable by imprisonment, the establishment, foundation, organization, administration or financing of an illegal party organization and the penalty is increased to hard labour for life or for a specified term if the said illegal party

organization is hostile to the social system. Under the terms of article 23, membership of any illegal party organization is designated as a criminal offence punishable by detention.

36. From the above, it is evident that the Egyptian legislature prohibits the establishment of any political party on the basis of social class, religious confession or faction or on the basis of discrimination on grounds of sex, origin, religion or belief. It is therefore a punishable offence to establish or join any illegal party. This is consistent with the provisions of article 4, paragraph (b), of the Convention.

The Private Associations and Institutions Act No. 32 of 1964

37. Article 2 of this Act stipulates that the establishment of associations in a manner contrary to public order or morality or for an illicit reason is null and void. Article 33 of the same Act further stipulates that the competent administrative authority is empowered to prevent the implementation of any decision taken by an association if it is contrary to the law or to public order or morality.

38. It is evident, therefore, that Egyptian law prohibits the establishment of associations seeking to encourage racial discrimination, racial superiority or other ideas prohibited in the Convention forming the subject of this report on the ground that their establishment is contrary to public order in Egypt. This is consistent with the provisions of article 4 of the said Convention.

The Council of State Act No. 47 of 1972

39. Article 1 of this Act stipulates that the Council of State is an independent judicial body. Article 91 further stipulates that the members of the Council holding the rank of counsellor or above are not subject to dismissal and enjoy the same safeguards as those accorded to members of the judiciary. Article 10 of the Act vests the Council of State with jurisdiction to hear applications submitted by individuals or bodies for the annulment of final decisions taken by administrative authorities and for compensation in respect thereof. The concept of "final decisions" includes refusal or failure of the authorities to take a decision.

40. From the above, it is clear that the Egyptian legislature has endeavoured to ensure full legal protection for all individuals, without any discrimination whatsoever, from administrative decisions taken by the public authorities and which affect their affairs in any sphere of life, by acknowledging their right to lodge an appeal and request their annulment or the granting of compensation in respect of any damage that they might suffer as a result thereof. Jurisdiction to hear such applications is vested in an independent judicial body whose members enjoy all the legal safeguards accorded to members of the judiciary.

41. In the light of the above details concerning the constitutional and legal situation in Egypt in regard to the provisions of the Convention, it is obvious that any decisions taken by the public authorities must be consistent with all the legal principles to which they are subject, such as those set forth in laws, regulations and the Constitution. They must also abide by the

provisions of the Convention which, under the terms of the Constitution, forms part of the country's laws. If any administrative decisions are promulgated in violation of those principles, any injured party has the right to apply for their annulment and for compensation in respect of any damage that has been suffered.

42. The above is fully consistent with the provisions of article 4, paragraph (c), of the Convention.

The Civil Code (Act No. 131 of 1948)

43. In keeping with the provisions of the Constitution, the Civil Code, as amended, affirms that all persons have a right to enjoy their civil rights on reaching the legally specified age of majority. The Code also defines the circumstances in which such legal capacity may be forfeited or reduced in the case of persons who are feeble-minded, insane or under seven years of age and who are therefore subject to the provisions of the law governing guardianship, trusteeship and tutelage on the legally specified terms and conditions. The articles of the Act also contain the following provisions:

(a) No one has the right to renounce or modify the terms of his legal capacity (art. 48);

(b) No one has the right to renounce his personal liberty (art. 49);

(c) Anyone who is subjected to an illicit violation of any of his inherent rights is entitled to apply for the cessation of such violations and for compensation in respect of any damage that he has suffered.

44. The substance of these provisions guarantees legal protection for the civil rights of all persons, without any discrimination whatsoever. No one is entitled to renounce or modify the terms of this protection and everyone has the right to compensation in respect of any illicit violations suffered.

The Education Act No. 139 of 1981

45. The Education Act stipulates that the objectives of pre-university education are to teach Egyptians to believe in God and their country and hold charity, truth and humanity in high esteem and to provide them with an appropriate amount of values, theoretical and practical studies and other fundamental requirements for the affirmation of their human dignity and their ability to achieve self-fulfilment.

46. Article 15 stipulates that all Egyptian children have a right to basic education on reaching the age of six years. The State undertakes to provide them with such education and places their parents and guardians under an obligation to ensure that they receive it for a period of nine academic years. Under articles 19 to 21, the father or guardian of a child who fails to enrol at, or regularly attend, a school is liable to a fine.

47. Article 55 of the same Act stipulates that private schools must follow the same syllabuses and curricula as those prescribed for the official State

schools, although they may expand the scope of tuition in languages or in the study of special syllabuses in a manner approved by the Minister of Education with the consent of the Higher Educational Council.

48. From the above it is clear that, under the terms of the Act, every Egyptian child has a right to basic education, which the State has an obligation to provide without any distinction or discrimination on any grounds whatsoever. This stage of education is characterized by its free and compulsory nature and by the fact that the father or person responsible for the child is legally liable to a fine if the child fails to enrol at, or regularly attend, school. The aim of the educational curricula must be to teach Egyptians to believe in God and hold charity, truth and humanity in high esteem and to provide them with the fundamental requirements for the affirmation of their human dignity. This confirms that the educational curricula at educational institutions which are run or supervised by the State in no way promote racial discrimination. On the contrary, the educational curricula reject all forms of racial discrimination as incompatible not only with public order but also with fundamental social principles and the provisions of the Constitution.

The Information and Publication Acts

49. All the information and publication media in Egypt have an obligation, under the provisions of the Constitution and the laws governing their respective spheres of activity, to refrain from disrupting public order when fulfilling their mission in Egypt and also to refrain from violating the fundamental social principles embodied in the Constitution, including the right to equality, the rejection of all forms of racial discrimination and the promotion of lofty humanitarian values which are free from any suspicion of exploitation, repression or racial discrimination. (These Acts are referred to in detail in the comments on the preceding article in the tables annexed hereto).

## III. EGYPT'S INTERNATIONAL POSITION IN THE LIGHT OF THE PROVISIONS OF THE CONVENTION

50. Over the ages, by virtue of its geographical location, Egypt has played an important and prominent role on the international stage in all fields and the experiences of its people, throughout their long history, have prompted them to sympathize fully with all the contemporary causes of mankind, and primarily the cause of human rights and freedoms, in view of their full realization and understanding of the increasing need to regulate those rights and freedoms. The document proclaiming the Egyptian Constitution emphasizes those concepts by stating that Egypt sincerely believes that peoples cannot achieve socio-political progress unless they enjoy freedom and an independent will. It also states that man's humanity and dignity are the guiding principles which have directed the course of mankind's tremendous progress towards its highest ideals.

51. These concepts, which are deeply rooted in the Egyptian conscience, prepared the way for Egypt's early participation in all the international endeavours made in this field through United Nations organs and even before the establishment of the United Nations. They also prepared the way for

Egypt's accession to all the international declarations and instruments concerning racial discrimination and apartheid and for participation by Egyptian experts in the specialized international committees that have been formed under the terms of those instruments.

52. In addition to the Convention forming the subject of this report, Egypt has also acceded to the following instruments in this field:

(a) ILO Convention (No. 111) concerning Discrimination in respect of Employment and Occupation of 1958, to which Egypt acceded under the terms of Presidential Decree No. 498 of 1960, which was published in issue No. 85 of the country's Official Gazette (in Arabic) on 14 April 1960;

(b) The UNESCO Convention against Discrimination in Education of 1960;

(c) The International Convention against Apartheid in Sports, which was adopted in December 1985 and to which Egypt acceded under the terms of Presidential Decree No. 562 of 1990, which was published in issue No. 24 of the country's Official Gazette (in Arabic) on 13 June 1991.

53. At the African level, Egypt played a major role in the adoption of the African Charter on Human and Peoples' Rights of 1981 as an expression of the African viewpoint on human rights, since this issue has a special impact on the continent due to its long history of forms of colonialism, racial discrimination, the draining of its natural resources, and the fact that its territories and peoples have been major victims of all forms of practices in flagrant violation of human rights and freedoms. The African Charter expresses the continent's concerns in this regard and emphasizes that the African States are well aware of their duty to eliminate all forms of discrimination, particularly those based on race, descent, colour, sex, language, religion or political opinion.

54. They are also fully conscious of their duty to promote and protect the rights and freedoms of individuals and peoples, paying due regard to the fundamental importance which Africa has customarily attached to those rights and freedoms. Article 2 stipulates that every person should enjoy the rights and freedoms guaranteed in the Charter without any discrimination, particularly discrimination based on race, descent, colour, sex, language, religion, political or other opinion, national or social origin, wealth, birth or any other consideration.

55. In keeping with the provisions of the Egyptian Constitution, Presidential Decree No. 77 of 1984, declaring Egypt's accession to the African Charter, was promulgated and published in the country's Official Gazette and thereby became part of Egypt's domestic legislation.

56. The above information clearly shows the extent of the importance that Egypt attaches to all the international endeavours that have been made to combat racial discrimination in all fields, as well as its firm and resolute opposition to all forms of discrimination at the international or local levels. It also illustrates the prominent role that Egypt is playing in the implementation of the principles laid down in the international conventions on racial discrimination at the African regional and local Egyptian levels.

## IV. CONCLUSION

57. While submitting this report to the Committee established under the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, Egypt wishes to express its sincere appreciation and esteem to the Committee. It wishes the Committee every success in the discharge of the important mission assigned to it by the international community and hopes that its endeavours in this field will free mankind as a whole from all racist practices in all parts of the world.

58. Egypt takes this opportunity to express its willingness to reply to any questions or to provide any clarifications that the distinguished Committee might request.

59. The annexed chart quotes articles 1 to 7 of the Convention in the first column. The second column quotes the corresponding articles in the Egyptian Constitution (arts. 151, 40, 53, 64, 65, 68, 175, 151, 57, 64, 65, 207, 40, 68, 57, 14, 62, 64, 65, 68, 57, 165, 172, 16, 18, 20, 48, 207 and 208). The third column quotes the corresponding articles in other Egyptian legislative enactments (the Penal Code, the Political Parties Act, the Code of Criminal Procedure, the Council of State Act, the Civil Code, the Regulation of the Exercise of Political Rights Act, the People's Assembly Act, the Advisory Council Act, the Local Government Act, the Private Associations and Institutions Act, the Education Act, the Radio and Television Federation Act, the Publications Act, the Censorship of Artistic Works Act and the Press Authority Act) and comments thereon.

ANNEX

Table comparing the articles of the International Convention on the Elimination of All Forms of Racial Discrimination with the Egyptian Constitution and legislation

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
|---|---|---|
| Article 1<br><br>1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.<br><br>2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.<br><br>3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.<br><br>4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and | Article 151<br><br>The President of the Republic shall conclude treaties and submit them to the People's Assembly together with an appropriate explanation. They shall have the force of law after their conclusion, ratification and publication in accordance with the prescribed procedures. | Presidential Decree No. 369 of 1967 approved Egypt's accession to the Convention forming the subject of this report which was published in Arabic in the country's Official Gazette No. 4 on 11 November 1972 and entered into force as part of the country's legislation in accordance with the provisions of the Constitution (art. 151). |

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
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| fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved. | | |
| Article 2 | | |
| 1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: | The Constitutional Proclamation promulgated in 1971 incorporates the following basic principles to which the Government and people of Egypt are committed: | A. Principal notes |
| (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation; | 1. Egypt's commitment to exert every effort to achieve peace based on justice. | 1. Following Egypt's accession to the Convention and its publication in the Official Gazette, it became part of the country's law as already explained in the comment on article 1. |
| (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations; | 2. Egypt's rejection of all forms and types of exploitation. | 2. All Egyptian legislation, without exception, is free from any legal wording that commends, encourages or advocates racial discrimination, distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin or any other factor. This is in keeping with the commitment to the right to equality, which is stipulated in the present and all the previous Egyptian Constitutions (art. 40). |
| (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists; | 3. Egypt's opposition to all forces and remnants of backwardness, domination and exploitation with a view to liberating mankind and affirming the humanity and dignity of every individual. | 3. Any provision of an existing or future legislative enactment or regulation that violates the above-mentioned right to equality shall be vitiated by the defect of unconstitutionality and a legal petition may therefore be submitted with a view to its annulment on the ground of its unconstitutionality in accordance with the provisions of the Supreme Constitutional Court Act referred to in section B below. |
| | 4. Egypt's commitment to legitimacy and the rule of law as a basic policy for the achievement of its aspirations and objectives. | |
| | Article 40 | |
| | All citizens are equal before the law and in regard to their public rights and duties, without distinction as to sex, origin, language, religion, or belief. | |

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
|---|---|---|
| (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;<br><br>(e) Each State Party undertakes to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.<br><br>2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved. | Article 53<br><br>The State shall grant the right of political asylum to any foreigner who is persecuted due to his defence of the interests of peoples, human rights, peace or justice. The extradition of political refugees is prohibited.<br><br>Article 64<br><br>The rule of law is the basis of government in the State.<br><br>Article 65<br><br>The State is subject to the law. The independence and immunity of the judiciary are fundamental safeguards for the protection of rights and freedoms.<br><br>Article 68<br><br>The right of all persons to engage in litigation shall be guaranteed and safeguarded and every citizen shall be entitled to resort to his natural judge. The State undertakes to ensure that litigants have access to judicial bodies and that cases are adjudicated rapidly. No act or administrative decision can be legally declared immune to judicial control.<br><br>Article 175<br><br>The Supreme Constitutional Court is vested with sole competence to rule on the constitutionality of legislation and regulations, and to interpret legislative texts, in the legally specified manner. The | B. The Constitutional Court Act No. 48 of 1979:<br><br>1. Art. 25 stipulates that the Supreme Constitutional Court has sole competence to rule on the constitutionality of legislation and regulations.<br><br>2. Art. 26 stipulates that the Court shall be responsible for interpreting the texts of enactments promulgated by the legislative authority and of legislative decrees promulgated by the President of the Republic in accordance with the provisions of the Constitution if they give rise to a dispute concerning application and if they are important enough to require a standard interpretation.<br><br>3. Art. 49 stipulates that the rulings and interpretational decisions of the Court in constitutional proceedings are binding on all persons, including the State authorities.<br><br>Note<br><br>Pages 8 to 11 of the annexed report contain references to some of the judicial applications and principles established by the Supreme Constitutional Court in its rulings on the principle of equality. |

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
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| | law shall also define the Court's other functions and regulate the procedures that it must observe.<br><br>Article 151<br><br>The President of the Republic shall conclude treaties and submit them to the People's Assembly together with an appropriate explanation. They shall have the force of law after their conclusion, ratification and publication in accordance with the prescribed procedures. | |
| Article 3<br><br>States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction. | | |
| Article 4<br><br>States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia: | Article 57<br><br>Any encroachment on the personal freedom or privacy of citizens or on the other rights and public freedoms guaranteed by the Constitution and the law shall constitute an offence, and criminal or civil proceedings in connection therewith shall not be subject to any statute of limitations. The State guarantees fair compensation for any person who is the victim of such an offence.<br><br>Article 64<br><br>The rule of law is the basis of government in the State. | A. The Penal Code (Act No. 58 of 1937)<br><br>The Egyptian Penal Code, as amended by Act No. 97 of 18 July 1992, provides full legal protection for all the public rights and freedoms guaranteed in the Constitution, including, obviously, the right to equality referred to in the Convention forming the subject of this report. The Penal Code stipulates as follows:<br><br>1. It is a criminal offence to establish, found, organize or administer any association, body, organization, group or gang which in any way advocates violation of the personal liberty of citizens or their public rights and freedoms |

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
|---|---|---|
| (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof; | Article 65<br>The State is subject to the law. The independence and immunity of the judiciary are fundamental safeguards for the protection of rights and freedoms.<br>Article 207<br>The press shall function freely and independently in the service of society as a means to express, and help to form and guide, trends in public opinion within the framework of the basic principles governing society, without prejudice to public freedoms, rights and obligations and with due regard for the inviolability of the private life of citizens, in accordance with the Constitution and the law. | guaranteed by the Constitution and the law or seeks to prejudice national unity and social harmony. Such acts are legally punishable by imprisonment and the penalty for heading such groupings is a term of imprisonment with hard labour (art. 86 bis).<br>2. It is a criminal offence, punishable by up to five years' imprisonment, for any person to join or participate in such a grouping if he is aware of its objectives (art. 86 bis).<br>3. It is a criminal offence, punishable by up to five years' imprisonment, to promote such groupings and their objectives by word of mouth, in writing or in any other manner or to acquire or possess handwritten, printed or recorded material promoting or advocating their objectives or the equipment used to prepare them (art. 86 bis).<br>4. The penalty for the above-mentioned offences is increased if terrorism, as defined in article 86 of the Code, is one of the methods used to commit them (art. 86 bis (a)).<br>5. It is a criminal offence, punishable by life imprisonment with hard labour, for a member of any of the groupings referred to in article 86 bis to use terrorism to force any person to join such groupings or to prevent any person from withdrawing therefrom (art. 86 bis (b)).<br>6. In addition to the above-mentioned penalties, the Code also permits prohibition of residence or compulsory residence in a particular locality for a period of up to five years (art. 88 bis (d)). |
| (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organization or activities as an offence punishable by law; | | |
| (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination. | | |

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
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B. The Political Parties' Act No. 50 of 1977

Art. 22 of the Act designates as a criminal offence, punishable by imprisonment, the establishment, foundation, organization, administration or financing of an illegal party organization and the penalty is increased to penal servitude if the said party is hostile to the social system. A noteworthy condition for the founding of a party is that its principles, programmes, activities and membership must not be based on discrimination on grounds of sex, origin, religion or belief.

C. The Code of Criminal Procedure (Act No. 150 of 1950)

Arts. 15 and 259 stipulate that neither criminal nor civil proceedings arising in connection with the offences in question are statute-barred.

D. The Council of State Act No. 47 of 1972

Art. 10 vests the Council of State with jurisdiction to hear applications submitted by individuals or bodies for the annulment of final decisions taken by administrative authorities and for compensation in respect thereof. The concept of "final decisions" includes refusal or failure of the authorities to take a decision.

Note:

Needless to say, if any administrative decisions violate the Constitution or the Convention, which has become part of the

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
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country's law, the injured party is entitled to demand their annulment and payment of compensation in respect of the damage that they have caused.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the employment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;

(c) Political rights, in particular the rights to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

Article 40

All citizens are equal before the law and in regard to their public rights and duties, without distinction as to sex, origin, language, religion, or belief.

Article 68

The right of all persons to engage in litigation shall be guaranteed and safeguarded and every citizen shall be entitled to resort to his natural judge. The State undertakes to ensure that litigants have access to judicial bodies and that cases are adjudicated rapidly. No act or administrative decision shall be legally declared immune to judicial control.

Article 57

Any encroachment on the personal freedom or privacy of citizens or on the other rights and public freedoms guaranteed by the Constitution and the law shall constitute an offence and criminal or civil proceedings in connection therewith shall not be subject to any statute of limitations. The State guarantees fair compensation to any person who is a victim of such an offence.

First of all, it should be noted that, in accordance with the provisions of the Constitution, none of the Egyptian legislation promulgated in connection with any of the rights referred to in this article, including the penal legislation and the Codes of Civil and Criminal Procedure, make any reference to discrimination based on sex, origin, language, religion or belief. Some of the relevant enactments are referred to below:

(a) The Civil Code (Act No. 131 of 1948)

1. Art. 48 stipulates that no one has the right to renounce or modify the terms of his legal capacity.

2. Art. 49 stipulates that no one has the right to renounce his personal liberty.

3. Art. 3 stipulates that anyone who is subjected to an illicit violation of any of his inherent rights is entitled to apply for the cessation of such violations and for compensation in respect of any damage that he has suffered.

B. The Political Parties Act No. 40 of 1977

1. Art. 1 stipulates that Egyptians have the right to form political parties and every Egyptian has the right to belong to any political party.

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
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| (d) Other civil rights, in particular:<br>(i) The right to freedom of movement and residence within the border of the State;<br>(ii) The right to leave any country, including one's own, and to return to one's country;<br>(iii) The right to nationality;<br>(iv) The right to marriage and choice of spouse;<br>(v) The right to own property alone as well as in association with others;<br>(vi) The right to inherit;<br>(vii) The right to freedom of thought, conscience and religion;<br>(viii) The right to freedom of opinion and expression;<br>(ix) The right to freedom of peaceful assembly and association; | Article 14<br>Citizens have the right of access to public office, the occupants of which have a duty to serve the people. The State undertakes to protect them and to ensure that they perform their duty of safeguarding the interests of the people. They cannot be dismissed for other than disciplinary reasons except in the circumstances defined by law.<br>Article 62<br>Every citizen has the right to vote and stand as a candidate in elections and to express an opinion in referendums, as provided by law. Participation in public life is a national duty.<br>All the civil rights referred to in subparagraphs (i) to (ix) are covered by art. 6, 9, 34, 46, 47, 50, 51, 52, 54, and 55 of the Constitution. | 2. Art. 4 stipulates that the principles, objectives, activities, leadership and membership of a political party must not be based on social class, religious confession, community, geographical area or discrimination in regard to sex, origin, religion or belief.<br>3. Arts. 22 and 23 of the Act stipulate that it is an offence to establish or join an illicit party organization (detailed reference has already been made to the acts that are designated as offences in the comments on article 4).<br>C. The Regulation of the Exercise of Political Rights Act No. 73 of 1956<br>1. Art. 1 stipulates that, on reaching the age of 18 Gregorian years, every Egyptian must exercise his political rights in person by voting in referendums and elections to local people's councils.<br>2. In accordance with the provisions of the Constitution, arts. 2 and 3 of the Act, concerning the circumstances in which persons may be prohibited or temporarily barred from exercising political rights, make no provision for discrimination on any ground related to origin, sex, language, religion or belief. |
| (e) Economic, social and cultural rights, in particular:<br>(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;<br>(ii) The right to form and join trade unions;<br>(iii) The right to housing; | All the rights referred to in subparagraphs (i) to (vi) are covered by arts. 13, 16, 17, 18 and 56 of the Constitution. | D. The People's Assembly Act No. 38 of 1972<br>Art. 5 stipulates that candidates for election to the People's Assembly must be Egyptian nationals, born to Egyptian fathers and entered on the electoral lists; they must not be under 30 years of age, they must have performed their military service and must be |

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
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(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(vi) The right to equal participation in cultural activities;

(f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

proficient in reading and writing; they must not previously have lost their seat in the People's Assembly or on the Advisory Council due to a withdrawal of confidence, loss of good standing or breach of membership obligations, although this requirement is waived on the expiration of the legislative term or the promulgation by the People's Assembly of a decision annulling the effect of that requirement. The conditions of candidature do not comprise any restrictions relating to origin, sex, language, religion or belief.

E. The Advisory Council Act No. 120 of 1980

Art. 6 of the Act specifies the requirements to be met by candidates for election to the Advisory Council, which are the same as the above-mentioned requirements except in regard to age, which is raised to 35 years. These requirements do not comprise any restrictions concerning origin, sex, language, religion or belief.

F. The Local Government Act No. 43 of 1979

Art. 75 of the Act specifies the conditions to be met by candidates for election to the local people's councils. These are the same as the requirements to be met by candidates for election to the People's Assembly and the Advisory Council, except in regard to age, which is set at 25 years, and the requirement that the candidate must be born to an Egyptian father, which is dropped. The Act does not comprise any other requirements relating to aspects of racial discrimination referred to in the Convention forming the subject of this report.

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
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| Article 6<br><br>States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination. | Article 64<br><br>The rule of law is the basis of government in the State.<br><br>Article 65<br><br>The State is subject to the law. The independence and immunity of the judiciary are fundamental safeguards for the protection of rights and freedoms.<br><br>Article 68<br><br>The right of all persons to engage in litigation shall be guaranteed and safeguarded and every citizen shall be entitled to resort to his natural judge. The State undertakes to ensure that litigants have access to judicial | G. The Private Associations and Institutions Act No. 132 of 1964<br><br>Art. 2 stipulates that the establishment of associations in a manner contrary to public order or morality or for an illicit reason is null and void. Art. 33 of the same Act further stipulates that the competent administrative authority is empowered to prevent the implementation of any decision taken by an association if it is contrary to the law or to public order or morality. These provisions prevent the establishment of associations seeking to encourage or promote racial discrimination in violation of the Constitution and public order; they ensure that no association can take decisions that seek to promote or incite racial discrimination.<br><br>Basic and general comments<br><br>1. The Egyptian Penal Code provides legal protection for all the rights and freedoms recognized in accordance with the provisions of the Constitution by designating as offences the acts already referred to in the comments on article 4 of the Convention. These acts are designated as offences under Egyptian law without regard for the identity of the victim and without discrimination between victims on any of the grounds to which the Convention in question refers.<br><br>2. In accordance with the provisions of the Egyptian Code of Criminal Procedure, neither criminal nor civil proceedings arising from the offences referred to in paragraph 1 above are subject to any statute of limitations. These |

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
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| | bodies and that cases are adjudicated rapidly. No administrative act or decision shall be legally declared immune to judicial control.<br><br>Article 57<br><br>Any encroachment on the personal freedom or privacy of citizens or on the other rights and public freedoms guaranteed by the Constitution and the law shall constitute an offence and criminal or civil proceedings in connection therewith shall not be subject to any statute of limitations. The State guarantees fair compensation to any person who is a victim of such an offence.<br><br>Article 165<br><br>The judicial authority shall be independent. It shall be exercised by courts of various kinds and levels which shall pass judgement in accordance with the law.<br><br>Article 172<br><br>The Council of State shall be an independent judicial body with the task of adjudicating in administrative disputes and disciplinary proceedings. Its other functions shall be prescribed by law. | offences have already been referred to in the comments on article 4 of the Convention.<br><br>3. In accordance with the provisions of the Council of State Act, to which reference has already been made in the comments on article 4, anyone has the right to apply to the Council of State to demand the annulment of administrative decisions or to claim compensation in respect of damage suffered as a result of those decisions.<br><br>4. Judicial applications<br><br>Reference can be made to the scope of the judgements handed down by the Supreme Constitutional Court concerning the principle of legal redress and the State's obligation to secure such redress not only for its nationals but also for foreigners. (See the report, p. 10, para. 2 (b).) |
| Article 7<br><br>States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and | Article 16<br><br>The State undertakes to provide cultural, social and health services and, in particular, to ensure that villages have easy and regular access to a higher standard of services. | 1. The Education Act No. 139 of 1981<br><br>The Act stipulates that the objectives of pre-university education are to teach Egyptians to believe in God and their country and to hold charity, truth and humanity in high esteem. |

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
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| friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention. | Article 18<br><br>Education, which is a right guaranteed by the State, is compulsory at the primary level and the State shall endeavour to make it compulsory at other levels. The State shall supervise all forms of education and shall safeguard the independence of universities and scientific research centres in such a way as to establish a closer interrelationship between education and social and production needs.<br><br>Article 20<br><br>Education at State educational institutions is free of charge at all levels.<br><br>Article 48<br><br>Freedom of the press and of printing, publishing and the information media is guaranteed. Administrative censorship, cautioning, suspension or prohibition of the publication of newspapers are not permissible. By way of exception, during a state of emergency or in time of war, limited censorship may be imposed on newspapers, publications and the information media in matters relating to public safety or in the interests of national security, as provided by law.<br><br>Article 207<br><br>The press shall function freely and independently in the service of society as a means to express, and help to form and guide, trends in public opinion within the framework of the basic principles governing society, without prejudice to public freedoms, rights | Accordingly, the educational curricula necessarily reject all forms of racial discrimination as incompatible not only with public order but also with fundamental social principles and the provisions of the Constitution.<br><br>2. The Radio and Television Federation Act No. 13 of 1979<br><br>Article 2 stipulates that the audiovisual information media have an obligation to fulfil their mission within the framework of public policy and the information requirements of society, in conformity with Egyptian values and traditions and in accordance with the general principles incorporated in the Constitution.<br><br>The Federation has an obligation to promote social harmony, safeguard the dignity and freedom of individuals, uphold the rule of law and seek to disseminate culture and include educational, cultural and humanitarian aspects in its programmes, in accordance with the lofty Egyptian, Arab and international concept of serving the interests of all sections of the population.<br><br>3. The Publications Act No. 20 of 1936<br><br>Article 9 stipulates that, in order to safeguard public order, it is permissible, by decision of the Council of Ministers, to ban the circulation, reprinting and dissemination within the country of publications issued abroad. |

| Art. of the International Convention | Corresponding arts. of the Egyptian Constitution | Corresponding arts. of other Egyptian legislation, with comments |
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| | and obligations and with due regard for the inviolability of the private life of citizens, in accordance with the Constitution and the law.<br><br>Article 208<br><br>Freedom of the press is guaranteed and administrative censorship, cautioning and suspension or prohibition of the publication of newspapers are not permissible, except as provided by the Constitution and the law. | 4. The Censorship of Artistic Works Act No. 430 of 1955<br><br>Article 1 stipulates that artistic works are subject to censorship in order to protect public morals or safeguard security, public order or the higher interests of the State.<br><br>5. The Press Authority Act No. 148 of 1980<br><br>Article 1 stipulates that the press is an independent popular authority that is free to fulfil its mission of serving society by expressing or helping to form friends in public opinion within the framework of the basic principles governing society and in such a way as to protect public freedoms, rights and obligations and with due regard for the inviolability of the private life of citizens.<br><br>Comments<br><br>1. Needless to say, any decisions taken by the authorities in this regard are subject to judicial control in accordance with the provisions of the above-mentioned Council of State Act.<br><br>2. The commitment to public order implies a commitment to all the constitutional principles including, in particular, the principle of equality. |